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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,581	03/21/2001	Steven H. Rice	P313641	4528

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EXAMINER

HSIEH, SHIH YUNG

ART UNIT PAPER NUMBER

2837

DATE MAILED: 12/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/814,581

Applicant(s)  
Rice

Examiner  
Shih-yung Hsieh

Art Unit  
2837



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 21, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☒ Interview Summary (PTO-413) Paper No(s). 5
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other:

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1. The drawings are objected to because

14b in Fig. 3 and 14a in Fig. 5 are not consistent with the description on page 4, line 5; and numeral 18 (page 4, line 9) is missing. Correction is required.

2. Claims 2-3, 5-8, 28-37, 40, 42-43 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The applicant is reminded that the patentability is based on structural limitations distinctive from the prior art. The function and intended use of an invention do not carry any patentable weight. The above claims recite function and intended use of the apparatus and fail to provide structural limitations to further limit the previous claims. Further, directions and rest positions are not distinctive structural limitations.

3. Claims 1-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-43, "the said" should be only "the" or "said" not both. There are many "the said" among the claims. The applicant is recommended to correct them.

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Claim 1, line 8, "the lower member" is confusing since it is not consistent with "a lower portion" recited previously;

line 19, "the base portion" is confusing since it is not consistent with "a central base portion" recited previously.

Claim 15, the claim language is confusing.

Claim 26, line 18-19, "the second stop location and a second portion of the said shaker spring" is indefinite because they are the same location. The shaker cannot move between the same location.


4. Claims 1, 4, 9-27, 38-39, and 41 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

5. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claim 1 that a second spring interposed between the upper surface of the nut member and the lower surface of the central base portion of the shaker, in claim 16 that a method step of positioning the shaker on a first member between a stop member having an impact surface and a shaker spring having a first and second location where the first location of the shaker spring is operatively engaged to the first member and the second location is adapted to engaged the shaker, and in claim 26 that a first stop location having a first portion of a shaker

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spring operatively engaged thereto where the shaker spring has a second portion located on the opposite region with respect to the first portion as set forth in the claimed combination.

6. Any inquiry concerning this communication should be directed to (David) S.Y. Hsieh at telephone number (703) 308-1031.

  
SHIH-YUNG HSIEH  
PRIMARY EXAMINER